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FILED  
U.S. DISTRICT COURT  
2007 SEP 20 P 3:41  
S.D. OF N.Y. W.P.

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

**07 CIV. 8226**

CANADIAN NATIONAL RAILWAY  
COMPANY, a Canadian Corporation

Plaintiff,

vs.

VANTIX LOGISTICS, a subsidiary of  
McLANE COMPANY, INC. and PEPSI  
COLA CANADA BEVERAGES,

Defendants .

CASE NO.

**JUDGE KARAS**

CIVIL ACTION

**COMPLAINT**

Plaintiff, Canadian National Railway Company, (hereinafter CN) by way of Complaint  
against defendants, VANTIX LOGISTICS, a subsidiary of McLANE COMPANY, INC., and  
PEPSI COLA CANADA BEVERAGES, says:

1. The Court obtains jurisdiction in this matter pursuant to 28 USCA 1337 (a) and 49  
USCA 10743(a) being a suit for interstate freight and transportation charges.

2. Plaintiff CN is a Canadian Corporation with its principal place of business at 935 de La Gauchetiere St. West, Montreal, Quebec, Canada. CN does business throughout Canada and in several states in the United States.

3. Plaintiff and its connecting carriers at all times mentioned were common carriers by railroad engaged in interstate commerce and doing business in the United States and Canada.

4. Defendant, VANTIX LOGISTICS, a subsidiary of McLANE COMPANY, INC., is a corporation (hereinafter "VANTIX") involved in freight transportation with a corporate headquarters at 2085 Midway Road, Carrollton, Texas 75006.

5. Defendant, PEPSI COLA CANADA BEVERAGES, is a corporation involved in the production of beverages which they ship in international commerce, with an address at 100 Stevens Avenue, Valhalla, New York 10595.

6. The subject matter of this action stems from charges assessed under circulars and tariffs published by the plaintiff for freight transportation services performed by CN for defendants in the United States and Canada.

7. At times between November 30, 2004, and May 31, 2006, CN performed the services noted in paragraph 5 above on behalf of VANTIX and PEPSI COLA CANADA BEVERAGES, as noted in Exhibit "A" annexed to this Complaint.

8. Pursuant to the applicable tariffs, circulars and contracts there accrued to CN charges for these services the sum of \$56,590.59 CA Dollars. A listing of the charges and the amount due for each for each is attached hereto as Exhibit "A."

9. These charges were billed and payment demanded for the services rendered by CN to VANTIX at VANTIX's headquarters, from where the bills have always been disputed and/or paid, and demand for payment was made to PEPSI COLA CANADA BEVERAGES, c/o

.Al Gordon, Logistics Manager, 100 Stevens Avenue, Valhalla, NY 10595; however, the defendants have failed and refused to pay or the bills noted in this Complaint.

**WHEREFORE**, plaintiff CN demands that judgment against the defendants, VANTIX LOGISTICS, a subsidiary of McLANE COMPANY, INC.and PEPSI COLA CANADA BEVERAGES be entered on this Complaint in the amount of \$56,590.59 in Canadian dollars (or its US Dollar equivalent), **plus any additional charges that may be due at the time of hearing**, together with prejudgment interest from the date of service, and for costs and disbursements of the Complaint.

CAPEHART & SCATCHARD, P.A.  
A Professional Corporation  
Attorneys for Canadian National Railway Company

By 

Armando V. Riccio

DATED: September 10, 2007.

4/07 statement

013582ZY	5/31/2006	751060104	CAD	\$	48.15	\$	48.15	7/14/2006	TM
013582Y	12/31/2005	750959265	CAD	\$	200.00	\$	200.00	2/9/2006	TM
013582Y	12/31/2005	750959740	CAD	\$	300.00	\$	300.00	2/9/2006	TM
013582A	12/6/2005	27340458	CAD	\$	4,156.95	\$	4,156.95	4/13/2006	UL
013582A	11/22/2005	27347739	CAD	\$	3,966.49	\$	3,966.49	4/13/2006	UL
013582A	11/17/2005	27349315	CAD	\$	4,165.51	\$	4,165.51	4/13/2006	UL
013582A	11/8/2005	25919912	CAD	\$	3,947.23	\$	3,947.23	2/22/2006	UL
013582A	10/29/2005	26174737	CAD	\$	3,081.60	\$	3,081.60	2/22/2006	UL
013582B	10/28/2005	27348745	CAD	\$	2,009.46	\$	2,009.46	4/13/2006	UL
013582B	10/20/2005	27339322	CAD	\$	3,796.36	\$	3,796.36	4/13/2006	UL
013582A	10/11/2005	25736265	CAD	\$	3,252.80	\$	3,252.80	10/24/2005	FB
013582Y	9/30/2005	750915039	CAD	\$	48.15	\$	48.15	11/24/2005	TM
013582B	9/29/2005	27339158	CAD	\$	3,831.67	\$	3,831.67	4/13/2006	UL
013582A	9/28/2005	27343441	CAD	\$	3,831.67	\$	3,831.67	4/13/2006	UL
013582A	9/23/2005	25460184	CAD	\$	3,142.59	\$	3,142.59	9/26/2005	FB
013582A	9/17/2005	25478658	CAD	\$	3,142.59	\$	3,142.59	9/27/2005	FB
013582B	9/12/2005	25328205	CAD	\$	1,940.98	\$	1,940.98	10/13/2005	TR
013582Y	9/12/2005	750885252	CAD	\$	225.00	\$	225.00	9/30/2005	UN
013582A	9/9/2005	25458916	CAD	\$	3,142.59	\$	3,142.59	9/26/2005	FB
013582A	9/8/2005	25466046	CAD	\$	3,142.59	\$	3,142.59	9/26/2005	FB
013582Y	8/31/2005	750887597	CAD	\$	64.20	\$	64.20	9/30/2005	UN
013582B	8/10/2005	25073118	CAD	\$	1,940.98	\$	1,940.98	9/15/2005	TR
013582B	8/9/2005	25072373	CAD	\$	1,940.98	\$	1,940.98	9/15/2005	TR
013582Y	6/30/2005	750847725	CAD	\$	80.25	\$	80.25	9/30/2005	UN
013582Y	6/21/2005	750836425	CAD	\$	75.00	\$	75.00	9/30/2005	UN
013582Y	6/21/2005	750836547	CAD	\$	75.00	\$	75.00	9/30/2005	UN
013582Y	6/15/2005	750839425	CAD	\$	80.25	\$	80.25	9/30/2005	UN
013582Y	6/15/2005	750843996	CAD	\$	208.65	\$	208.65	9/30/2005	UN
013582Y	5/31/2005	750836882	CAD	\$	176.55	\$	176.55	9/30/2005	UN
013582Y	5/15/2005	750822841	CAD	\$	144.45	\$	144.45	9/30/2005	UN
013582Y	3/31/2005	750792737	CAD	\$	100.00	\$	100.00	10/20/2006	U9
013582Y	3/15/2005	750787594	CAD	\$	32.10	\$	32.10	9/30/2005	UN
013582Y	2/28/2005	750782643	CAD	\$	100.00	\$	100.00	9/30/2005	UN
013582Y	12/31/2004	750742855	CAD	\$	100.00	\$	100.00	9/30/2005	UN
013582Y	11/30/2004	750728359	CAD	\$	100.00	\$	100.00	9/30/2005	UN

\$ 56,590.59 CAD

